

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LEWIS KING DEANS,

Plaintiff,

vs.

ANCHORAGE SCHOOL DISTRICT,
et al.,

Defendants.

Case No. 3:05-cv-00283-TMB

SECOND ORDER REGARDING
WAIVING THE FILING FEE
AND ORDER GRANTING MOTION
TO PROCEED AS SOLE PLAINTIFF

Lewis King Deans, with his mother attempting to assist him, initially filed a civil action, along with an application to waive the \$250 filing fee in this case.¹ The Court informed the plaintiffs that Ms. King may not represent her son in this action, and ordered Ms. King to amend her complaint to state only her own claims.² Since that time, Mr. Deans has filed a motion to remove his mother as a co-plaintiff, stating that although he is developmentally disabled, he is competent to represent himself in this

¹ See Docket Nos. 1, 2.

² See Docket No. 4 at 4.

case.³ Until that issue is contested or it becomes obvious that Mr. Deans is not capable of self-representation, the Court will accept Mr. Deans' assertions that he can represent himself, and allow him to proceed with this case as the sole plaintiff.

Mr. Deans' application to waive the filing fee is nevertheless deficient, because he provided insufficient financial information. For example, Mr. Deans stated that he has "savings/IRA/money-market/CD separate from any checking accounts," but he did not provide the amount in his account(s).⁴ Mr. Deans drew a slash over all the questions on page two, after saying that he was not presently working, rather than individually answering the questions, including the question about past employment, as well as any government assistance he receives.⁵ In addition, Mr. Deans dated, but did not sign the form.

The Court must have full and complete information about a party's financial status to make a decision about fees, and it has developed a form to obtain all the information it needs. Mr. Deans will be allowed to file a new application on the enclosed Court form. Mr. Deans is reminded to answer **all** questions on the application fully, completely and directly, or the application will be denied. If a question does not apply, answer "N/A"; otherwise answer "yes" or "no", check all

³ See Docket No. 5.

⁴ See Docket No. 1 at 3-4.

⁵ See Docket No. 1 at 2. If Mr. Deans has never worked, he should simply state so, in answer to the question about past employment.

applicable boxes, fill in all blanks, and provide complete information as requested.

The form must be **signed** and **dated**.

IT IS HEREBY ORDERED that:

1. The plaintiffs' request to remove Felicia King as a plaintiff in this case, at docket number 5, is GRANTED.
2. Mr. Deans application to waive the filing fee, at docket number 1, remains DENIED with leave to amend.
3. If Mr. Deans decides to proceed with this action representing himself as the sole plaintiff,⁶ he will be given an extension of time, until or before **March 29, 2006**, to file an amended application to waive the filing fee **on the enclosed form**, as explained in this Order, or pay the Court's \$250.00 filing fee; otherwise this action will be dismissed without further notice.
4. The Clerk of Court is directed to send form PS11, Application to Waive the Filing Fee, with instructions, to Mr. Deans with this Order.

5. No further action will be taken on any pending motions until Mr. Deans fully complies with this Order.⁷
6. No party shall have any *ex parte* communication (that is, communication without the presence and/or knowledge and consent of the other parties) with a District Court Judge or Magistrate Judge of this Court about the merits of this action. Mr. Deans should not write letters to the Court, but must file any requests for action by the Court during these proceedings in the form of a **short and concise motion**.
7. The Clerk of Court is directed to send a copy of the Court's motion form, PS12, to Mr. Deans with this Order.
8. Mr. Deans shall continue to provide the Court with the original, plus one complete and legible copy, of every paper he submits for filing, as required by this Court's Local Rule 5.1(b).

DATED this 7th day of March, 2006, at Anchorage, Alaska.

/s/TIMOTHY M. BURGESS
United States District Judge

⁷ The Court will, after Mr. Deans files a fully completed application to waive the filing fee showing that he cannot afford to pay, address the issue of volunteer counsel. The Court has access to a panel of volunteer attorneys who review cases and handle meritorious cases for people who meet the financial guidelines. However, the Court cannot reach that issue until the issue of the filing fee is decided.